

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2 STATE OF HAWAII

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4 SPORTS SHINKO (USA) CO., LTD., a Delaware
5 Corporation; SPORTS SHINKO (MILILANI)
6 CO., LTD., a Hawaii corporation, et al.,
7 Plaintiff,

8 vs. Case No. 02-1-2766-11 (EEH)

9 RESORT MANAGEMENT SERVICES
10 (HAWAII), INC., a Hawaii corporation,
11 YASUO NISHIDA, SATOSHI KINOSHITA, et al.
12 Defendants.
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14
15 DEPOSITION OF SATOSHI KINOSHITA

16 (Volume II)
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18 Taken on behalf of the Plaintiff at Alston Hunt Floyd &
19 Ing, 1001 Bishop St., ASB Tower, 18th Floor, Honolulu,
20 Hawaii 96813, commencing at 9:04 a.m., Wednesday, April
21 20, 2005, pursuant to Notice.
22

23 BEFORE: BARBARA ACOBA, CSR No. 412, RPR
24 Notary Public, State of Hawaii
25

EXHIBIT 5

ATTORNEY-CLIENT PRIVILEGE

97

1 APPEARANCES:

2 For Plaintiff: GLENN MELCHINGER, Esq.
3 ALSTON HUNT FLOYD & ING
4 ASB Tower
5 1001 Bishop St., 18th Floor
6 Honolulu, Hawaii 96813
7

8 For Defendant SATOSHI KINOSHITA:

9 JOHN KOMEIJI, Esq.
10 WATANABE ING KAWASHIMA & KOMEIJI
11 First Hawaiian Center
12 999 Bishop St., 23rd Floor
13 Honolulu, Hawaii 96813
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16 Also Present: STEVEN SILVER - Interpreter
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1 subsequent to that, I had a meeting with Mr. Mukai at
2 which time he shared with me what had been discussed
3 between him and the president. And I, in turn here, was
4 reporting that to Mr. Fukuda.

5 Q. And as you noted, Mr. Mukai made a comment
6 about the affect of establishing the RMS, right, that
7 would make it hard to lien -- hard for RCC to lien the
8 Hawaii properties; is that right?

9 A. No. Actually, what Mr. Mukai communicated to
10 me was that president Kinoshita was extremely happy that
11 RMS had been established because it had made it
12 difficult for RCC to lien the Hawaii business
13 facilities, and Mr. Kinoshita apparently asked Mr. Mukai
14 to work on establishing some sort of similar arrangement
15 to the RMS arrangement in Japan.

16 Q. Was one of the purposes for the management
17 contracts and creating the management companies to make
18 it difficult for RCC to place liens on Hawaii
19 properties?

20 THE INTERPRETER: I'm sorry, can I have that
21 question one more time.

22 THE WITNESS: I had no idea about that. If you
23 look to the next paragraph under the paragraph that you,
24 Mr. Melchinger, have placed an asterisk next to, I go on
25 to write to Mr. Fukuda that if, in fact, it had become

C E R T I F I C A T E

STATE OF HAWAII)

CITY AND COUNTY OF HONOLULU)

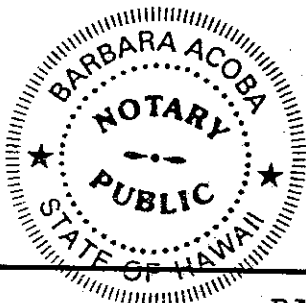
I, BARBARA ACOBA, Certified Shorthand Reporter and Notary Public, State of Hawaii, do hereby certify:

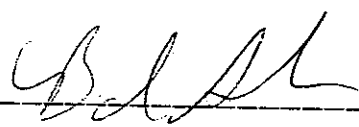
That on Wednesday, April 20, 2005, at 9:04 a.m., appeared before me SATOSHI KINOSHITA, the witness whose deposition is contained herein; that prior to being examined he was by me duly sworn;

That the deposition was taken down by me in machine shorthand and was thereafter reduced to typewriting under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

Dated this 30th day of April, 2005,
in Honolulu, Hawaii.




BARBARA ACOBA, CSR NO. 412

Notary Public, State of Hawaii

My Commission Exp: 10-22-2008